

ENTERED

June 04, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

SEDRICK LAMAR PERRY,

Plaintiff,

v.

LORIE DAVIS,

Respondent.

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CIVIL ACTION NO. 2:20-CV-92

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending is Magistrate Judge Julie Hampton's Memorandum and Recommendation (M&R). (D.E. 6). The M&R recommends that the Court dismiss Plaintiff's 28 U.S.C. § 2254 habeas corpus petition (D.E. 1) without prejudice pursuant to the screening provisions in Rule 4 of the Rules Governing Section 2254 Cases because the petition is second or successive. (D.E. 6, p. 1); *see* 28 U.S.C. § 2244(b). The M&R also recommends that the Court deny Petitioner a certificate of appealability. (D.E. 1, p. 4–5); *see* 28 U.S.C. § 2253(c).

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. Petitioner timely filed objections to the M&R. (D.E. 7). Having carefully reviewed the proposed findings and conclusions of the M&R, the record, the applicable law, and having made a de novo review of the portions of the M&R to which the Petitioner's objections were directed, 28 U.S.C. § 636(b)(1), the Court **OVERRULES** Petitioner's objections (D.E. 7). Accordingly, the Court:

- (1) **ADOPTS** the M&R in its entirety (D.E. 6).
- (2) Petitioner's petition for writ of habeas corpus (D.E. 1) is **DISMISSED WITHOUT PREJUDICE** pursuant to the screening provisions of Rule 4 of the Rules Governing Section 2254 Cases. *See* 28 U.S.C. § 2244(b).
- (3) A certificate of appealability is **DENIED** pursuant to 28 U.S.C. § 2253(c).
- (4) The Clerk of Court is **ORDERED** to administratively **CLOSE** this case.

SIGNED and ORDERED this 4th day of June 2020.

A handwritten signature in black ink, appearing to read 'DSM', is written over a horizontal line.

DAVID S. MORALES
UNITED STATES DISTRICT JUDGE